

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

MURTAZA ALI,)	
)	
Plaintiff,)	
)	
vs.)	No. CIV-14-1174-C
)	
JUSTIN JONES, et al.,)	
)	
Defendants.)	

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff brought the present action pursuant to 42 U.S.C. § 1983, seeking recompense for alleged violations of his constitutional rights. Consistent with the provisions of 28 U.S.C. § 636(b)(1)(B), this action was referred to United States Magistrate Judge Gary M. Purcell. Judge Purcell entered a Fourth Supplemental Report and Recommendation (“R&R”) on February 1, 2016, to which Plaintiff timely objected.

The R&R under consideration addressed Plaintiff’s failure to properly serve the remaining Defendants (Jones, Haddock, Terry, Fox, Drawbridge, Brown, Denton, and Sacket) and denied Plaintiff’s request for copies of legal materials. In the R&R, Judge Purcell granted Plaintiff 30 days to complete service. In an Order issued after the R&R, Judge Purcell granted Plaintiff an additional 30 days, noting that failure to properly serve within that time period would result in dismissal of Plaintiff’s case. In his Objection, Plaintiff does not address the service of process issue. Accordingly, that portion of the R&R stands without objection and will be adopted.

Plaintiff does take issue with the denial of his request for the Court and the parties to provide copies of unpublished cases. According to Plaintiff, the facility where he is currently incarcerated does not have any federal legal materials. This portion of the R&R is reviewed under a clearly erroneous or contrary to law standard. Given the current posture of Plaintiff's case, the R&R does not run afoul of this standard. At this stage, the only issue being litigated is proper issuance of summons and service on the remaining Defendants. Judge Purcell has provided a detailed explanation of the steps necessary for Plaintiff to accomplish this task. As for any future filings, the Court is confident Defendants are aware of their responsibilities under the local rules.

For the reasons set forth more fully herein, the Court adopts, in full, the Fourth Supplemental Report and Recommendation of the Magistrate Judge (Dkt. No. 82). The matter is again referred to Judge Purcell consistent with the original Order of Referral.

IT IS SO ORDERED this 11th day of March, 2016.


ROBIN J. CAUTHRON
United States District Judge